

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF

PATENT

In re Application of : Donald Edward BENSON et al. Confirmation No.: 6340
Application Number : 10/758,501
Filed : January 16, 2004
Title : METHOD AND APPARATUS FOR ENTITY REMOVAL FROM
A CONTENT MANAGEMENT SOLUTION IMPLEMENTING
TIME-BASED FLAGGING FOR CERTAINTY IN A
RELATIONAL DATABASE ENVIRONMENT
TC/Art Unit : 2161
Examiner: : Brent S. STACE
Docket No. : SVL920030128US1
Customer No. : 46156

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Sir:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37(d)

Pursuant to the provisions of 37 C.F.R. § 1.191-1.198, this is a Brief on Appeal of the final rejection of claims 1-4 and 7-20 set forth in the Final Office Action dated May 22, 2007 and Advisory Action Mailed August 14, 2007. A Notice of Appeal was filed on September 11, 2007.

Please find attached hereto a payment in the amount of \$500.00 for the Appeal Brief fee set forth in 37 C.F.R. § 1.17(f). If additional fees are required, please charge our Deposit Account No. 50-2961.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, a corporation of New York, by virtue of an Assignment duly filed at Reel 014902, Frame 0570.

II. Related Appeals and Interferences

There are no related appeals or interferences known to the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision on this Appeal.

III. Status of Claims

Claims 1-4 and 7-20 are pending in this application. Claims 1-4 and 7-20 are rejected.

No claims are currently allowed. The claims on Appeal, 1-4 and 7-20, are set forth in the attached Appendix.

IV. Status of Amendments

The Response After Final submitted on August 9, 2007 was considered and entered by the Examiner in an Advisory Action mailed August 14, 2007, however, no claims were allowed.

V. Summary Of Claimed Subject Matter

Claim 1

A method of validating a request in connection with an interactive content database (302, paragraph [042]), said method comprising: receiving a request that affects an item (FIG. 4, step 400 and paragraph [051]); identifying a version of the item based on a first time (FIG. 4, step 402 and paragraph [0052]); determining whether the request affects an object associated with the item (FIG. 4, step 404 and paragraph [058]); identifying a version of the object based on a second time when the request affects the object (paragraph [005]), wherein identifying the version of the object comprises retrieving a timestamp (312) and an identifier (308) for the object (FIG. 3, FIG. 4, step 408 and paragraphs [046, 048, 057, 058]); and completing the request based on the version of the item and the version of the object (FIG. 4, step 412 and paragraph [063]).

Claim 9

An apparatus for validating a request in connection with an interactive content database (302, paragraph [042]), said apparatus comprising: means for receiving a request that affects an item (104, FIG. 1, paragraph [020]); means for identifying a version of the item based on a first time (202, FIG. 2, paragraph [027]); means for determining whether the request affects an object associated with the item (106, FIG. 1, paragraph [022]); means for identifying a version of the object based on a second time when the request affects the object (104, FIG. 1, paragraphs [005, 021, 028 and 031]); and means for completing the request based on the version of the item and the version of the object (104, 106, FIG. 1, paragraph [020]).

Claim 10

An application program for validating a request in connection with an interactive content database (302, FIG. 3, paragraph [042]), the application program stored on a computer readable medium (200, FIG. 2, paragraph [026]), said program comprising: program code for receiving a request that affects an item (102, 200, FIG. 2, paragraph [026]); program code for identifying a version of the item based on a first time (200, 206, FIG. 2, paragraph [027]); program code for determining whether the request affects an object associated with the item (106, 200, 202, FIG. 2, paragraph [028]); program code for identifying a version of the object based on a second time when the request affects the object (106, 200, 202, FIG. 2, paragraphs [005, 028]); and program code for completing the request based on the version of the item and the version of the object (200, 204, FIG. 2, paragraph [031]).

Claim 19

An apparatus for processing requests that delete an item in connection with an interactive content database (302), wherein the item includes an associated object, said apparatus comprising: means for receiving a request that deletes an item (104, FIG. 1, paragraph [020]); means for identifying a first age of the item affected by the request (202, FIG. 2, paragraph [027]); means for retrieving information indicating a second age of at least one associated object (104, 204, FIG. 1, FIG. 2, paragraphs [030, 031]); means for tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object (204, 206, FIG. 2A, paragraph [030]); and means for selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object (200, FIG. 2, paragraph [055]).

Claim 20

A method of validating a request, said method comprising: providing a library server database (302) including accessible items therein; receiving a request that affects an item (400, FIG. 4, paragraph [051]); identifying a version of the item based on a first time 420, FIG. 4, paragraph [052]); determining whether the request affects an object associated with the item (404, FIG. 4, paragraph [055]); identifying a version of the object based on a second time when the request affects the object (paragraph [005]); and completing the request based on the version of the item and the version of the object (412, FIG. 4, paragraph [063]).

VI. Grounds of Rejection to be Reviewed on Appeal

(A) Whether claims 1-4, 7, 9-16 and 18-20 recite patentable subject matter under 35 U.S.C. § 103(a) over applied non-patented document of Ten Minute Guide to Windows NT Workstation 4.0 (hereinafter "*Windows*") in view of *Balabine et al.* (U.S. Patent No. 5,937,406).

(B) Whether claims 8 and 17 recite patentable subject matter under 35 U.S.C. § 103(a) over applied non-patented document of *Ten Minute Guide to Windows NT Workstation 4.0* (hereinafter "*Windows*") in view of *Balabine et al.* (U.S. Patent No. 5,937,406), and further in view of *Mac OS X: The Missing Manual* (hereinafter "*MacOSX*").

VII. Argument

(A) The Rejection under 35 U.S.C. § 103(a) of claims 1-4, 7, 9-16 and 18-20 as unpatentable over *Windows* and *Balabine et al.* is improper and should be Reversed.

Claims 1-4, 7, 9-16 and 18-20

In view of the Examiner's grouping of independent claims in the rejection, and the common steps of these independent claims, the following will address the independent claims as a whole, while submitting that the following also applies to each independent claim singularly.

It will be appreciated by those skilled in the art that the invention in claims 1-4, 7, 9-16 and 20 addresses, *inter alia*, identifying a version of the item based on a first time, determining whether the request affects an object associated with the item, identifying a version of the object based on a second time, and completing a request based on a version of an item and a version of an object. Claims 18 and 19 address, *inter alia*, selectively deleting an item and at least one associated object based on whether a first age of the item is greater than or equal to a second age of at least one associated object.

Appellants respectfully submit that the applied combination of *Windows* in view of *Balabine et al.* fail to teach or suggest at least these features and, as such, the Examiner has failed to present a *prima facie* rejection from the outset. This rejection is therefore, in error and should be reversed.

It is the Examiner's position that *Windows* discloses completing a request based on a version of an item and a version of an object at pages 1 and 2 with a disclosure of moving and copying files and folders within the "Warning" section of *Windows*. The Examiner's comments in the Advisory Action of August 14, 2007 are not clear. Referring to page 2, the last sentence of

the Advisory Action, the Examiner states "The claims do not limit the argument to looking at a folder containing the file since the files in the message above are considered the objects/items". Based on this characterization, the Examiner appears to be combining the items/objects as the files *per se* and if this is a correct understanding, it is then not clear how the Examiner considers a single feature (files of *Windows*) to correspond to the separately claimed elements of an "item" and "object". How does one feature correspond to two elements of the claimed invention, particularly when each of the two claimed elements functions separately? Clarification is respectfully requested.

In traversal of the Examiner's apparent characterization, it is Appellants position that *Windows* simply confirms replacement of an existing file or folder with a replacement file or folder, respectively. The Board's attention is directed to the "Warning" which states "*If you attempt to copy a file or folder to a location in which a file or folder with the same name exists, Windows NT lets you know with a message that displays the selected file's and the original file's size and creation or last modification date. Click Yes to replace the file, or click No to stop the process*". Based on the *Windows* disclosure, the options available include replacing a file with a file, a folder with a folder, or a file with a file that is within a folder. In each case, the query will only be as to those types of transactions and the replacements only appear to be based on a replacement (file) having the **same name**. Then, only the file size and creation (or last modification) dates of each file are available to make a replacement determination.

For the sake of explanation, and in a simplified characterization, an object of the claimed invention can be thought of as a subset of an item, just as a file might be a subset of a folder. Even if a literal correspondence were to be made between the claimed invention and the *Windows* reference based on this simplified explanation, there is no teaching or suggestion in

Windows that validating a request includes identifying a version of the item (folder?) based on a first time; determining whether the request affects an object associated with the item; identifying a version of the object (file?) based on a second time when the request affects the object; and completing the request based on the version of the item and the version of the object. Instead, replacement in *Windows* is based on a date and time of the replacement file compared to a date and time of the existing file having the same name, not on the version of the file in connection with a status or version of the folder.

Accordingly, the “Warning” aspect of *Windows* lacks any relevance to Appellants’ claims that recite a request based on a version of an item and a version of an object.

The Examiner further acknowledges that *Windows* fails to disclose an interactive content database and has applied *Balabine et al.* as disclosing an interactive content database.

Specifically, the Examiner alleges that it would have been obvious to modify *Windows* with the *Balabine et al.* disclosure “because both inventions are directed towards file manipulation operations”. . . “thereby offering the obvious advantage of sharing data seamlessly with both database-aware and database-unaware applications”, referring to col. 3, lines 49-51 thereof. Appellants respectfully disagree.

It is respectfully submitted that an operating system, such as that associated with *Windows*, would function separately from an interactive content database because a database is an application that is executed by an operating system rather than being part of an operating system. For example, the data in the *Balabine et al.* database, if accessible by the *Windows* operating system, would not alter the functioning of the *Windows* system, nor is there any motivation or suggestion as to how that could be accomplished absent Appellants disclosure. Even further, assuming *Windows* did access a database as in *Balabine et al.*, there is no teaching

or suggestion that the claimed method, apparatus, or application program for validating a request in connection with the content database is achieved. In other words, access to a database by *Windows* does not alter the procedures for copying or replacing files or folders therein. Thus, there is no motivation and the claimed subject matter fails to be appreciated or suggested by a combination of *Windows* in view of *Balabine et al*

Thus, *Windows* in view of *Balabine et al.* fails to disclose, teach or suggest completing a request based on a version of an item and a version of an object, much less an interactive content database, as recited by claims 1-4, 7, 9-16 and 20.

Accordingly, it is Appellants position that *Windows*, as admitted by the Examiner, fails to teach the features recited by claims 1-4, 7, 9-16 and 18-20, and *Balabine et al.* fail to supply the missing teachings of *Windows*. Thus, the Examiner has failed to establish a *prima facie* rejection from the outset and the rejection with respect to claims 1-4, 7, 9-16 and 18-20 should be REVERSED.

(B) The Rejection under 35 U.S.C. § 103(a) of claims 8 and 17 as unpatentable over *Windows* in view of *Balabine et al.* and further in view of *MacOSX* is improper and should be Reversed.

Claims 8 and 17

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Windows* in view of *Balabine et al.*, and further in view of *Mac OS X: The Missing Manual* ("*MacOSX*"). Appellants respectfully traverse this rejection for at least the following reasons.

Windows and *MacOSX* are well-known to be non-compatible with each other. That is, features on *Windows* and features on *MacOSX* use completely different operating systems, requiring, for example, different codes. Therefore, there is no motivation to combine *Windows* and *MacOSX* as attempted by the Examiner and the combination fails to establish a *prima facie* obviousness rejection under 35 U.S.C. § 103(a).

Further, even if combinable, Appellants respectfully submit that *Windows* in view of *Balabine et al.* fail to disclose, teach or suggest the features recited by claims 8 and 17 and further that *MacOSX* fails to supply the missing teachings of *Windows*. Thus, claims 8 and 17 are patentable over *Windows* in view of *Balabine et al.* and *MacOSX*.

Accordingly, it is Appellants position that *Windows* and *Balabine et al.*, as admitted by the Examiner, fail to teach the features recited by claims 8 and 17, and *MacOSX* fails to supply the missing teachings of *Windows* and *Balabine et al.* for reasons pointed out above. Thus, the Examiner has failed to establish a *prima facie* rejection from the outset, and the rejection with respect to claims 8 and 17 should be REVERSED.

VIII. Conclusions

The claimed invention clearly provides a method, apparatus, and application program for validating a request in connection with an interactive content database which is neither taught nor suggested by the applied references.

Accordingly, Appellants respectfully request Reversal of the outstanding rejections in the present application.

To the extent any further extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-2961.

Respectfully submitted,

Dated: Sept. 26, 2007

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VIII. Claims Appendix

1. A method of validating a request in connection with an interactive content database, said method comprising:
 - receiving a request that affects an item;
 - identifying a version of the item based on a first time;
 - determining whether the request affects an object associated with the item;
 - identifying a version of the object based on a second time when the request affects the object, wherein identifying the version of the object comprises retrieving a timestamp and an identifier for the object; and
 - completing the request based on the version of the item and the version of the object.
2. The method of claim 1, wherein receiving the request comprises receiving a request for deleting the item.
3. The method of claim 1, wherein identifying the version of the item comprises retrieving a timestamp for the item.
4. The method of claim 1, wherein identifying the version of the item comprises retrieving the timestamp and an identifier for the item.
7. The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises:
 - determining whether the version of the item matches the version of the object; and

completing the request when the versions of the item and object match.

8. The method of claim 1, wherein completing the request based on the version of the item and the version of the object comprises:

determining whether the version of the item is older than the version of the object; and

completing the request when the version of the item is older than the version of the

object.

9. An apparatus for validating a request in connection with an interactive content database, said apparatus comprising:

means for receiving a request that affects an item;

means for identifying a version of the item based on a first time;

means for determining whether the request affects an object associated with the item;

means for identifying a version of the object based on a second time when the request affects the object; and

means for completing the request based on the version of the item and the version of the object.

10. An application program for validating a request in connection with an interactive content database, the application program stored on a computer readable medium, said program comprising:

program code for receiving a request that affects an item;

program code for identifying a version of the item based on a first time;

program code for determining whether the request affects an object associated with the item;

program code for identifying a version of the object based on a second time when the request affects the object; and

program code for completing the request based on the version of the item and the version of the object.

11. The medium of claim 10, further comprising program code for receiving a request for deleting the item.

12. The medium of claim 10, further comprising program code for retrieving a timestamp for the item.

13. The medium of claim 10, further comprising program code for retrieving the timestamp and an identifier for the item.

14. The medium of claim 10, further comprising program code for retrieving a timestamp for the object.

15. The medium of claim 14, further comprising program code for retrieving the timestamp and an identifier for the object.

16. The medium of claim 10, further comprising:

program code for determining whether the version of the item matches the version of the object; and

program code for completing the request when the versions of the item and object match.

17. The medium of claim 10, further comprising:

program code for determining whether the version of the item is older than the version of the object; and

program code for completing the request when the version of the item is older than the version of the object.

18. A method of processing requests that delete an item in connection with an interactive content database, wherein the item includes an associated object, said method comprising:

receiving a request that deletes an item;

identifying a first age of the item affected by the request;

retrieving information indicating a second age of at least one associated object;

tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object; and

selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object.

19. An apparatus for processing requests that delete an item in connection with an interactive content database, wherein the item includes an associated object, said apparatus comprising:

means for receiving a request that deletes an item;

means for identifying a first age of the item affected by the request;

means for retrieving information indicating a second age of at least one associated object;

means for tracking and recording transaction attributes of the first age of the item and the second age of the at least one associated object; and

means for selectively deleting the item and the at least one associated object based on whether the first age of the item is greater than or equal to the second age of the at least one associated object.

20. A method of validating a request, said method comprising:

providing a library server database including accessible items therein;

receiving a request that affects an item;

identifying a version of the item based on a first time;

determining whether the request affects an object associated with the item;

identifying a version of the object based on a second time when the request affects the object; and

completing the request based on the version of the item and the version of the object.

IX. Evidence Appendix

NONE

X. Related Proceedings Appendix

NONE